

EPA Comments on  
CALFED Response to Comments Document (Administrative Draft)  
Draft Programmatic EIS/EIR and  
Water Quality Program Plan  
November 1999  
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**Volume 1, Impact Analysis**

CR 14.4 page 4, 2<sup>nd</sup> full paragraph - This paragraph should be edited to reflect EPA changes submitted in November. Beginning in the middle of the paragraph:

Near-term drinking water regulations ~~that pose problems for treatment~~ will be promulgated prior to implementation of storage and conveyance options and realization of associated water quality benefits....

Delete the last sentence of this paragraph, as the timing is speculative, and there is no Stage 3. agree

Comment IA-5.3.2 - Response is not responsive to comment. Suggest changing response to read "CALFED believes that the PPA approach includes a balanced mix of tools including watershed management, water use efficiency/ recalamation, exchanges/transfers, and local water supply reliability, as well as storage and conveyance." agree

Comment IA-5.3.1-12 - Response should clarify that last sentence ("A drain or other mechanism for eliminating salts from the Valley could be considered as one alternative.") refers to the SJVDIP, and not CALFED.

Comment IA-5.3.3.1-2 - Response should be changed as follows: "...will be changed to emphasize your point, and to emphasize that although the ultimate source of salts to the Valley..."

Comment IA-5.3.3.1-6 and Comment IA-5.3.3.1-7 - Comments are identical. Delete one set of comment and response.

Comment IA-5.3.7.2-2 - The third paragraph in the response states that the bulk of ecosystem restoration activities will occur in the Delta and the Sacramento. ***Is it really true that CALFED doesn't plan to conduct restoration activities along the San Joaquin?*** Delete last sentence of fifth paragraph that states "Completion of an effective system for removing agricultural drainage water from the San Joaquin Valley is the single action most likely to improve conditions in the San Joaquin River." CALFED has not included an out-of-valley drain as part of its action plan and, in any case, this statement is inappropriate for a response to comments.

Comment IA-5.3.7.2-7 - Delete last sentence stating "All interested parties should join CALFED in helping to identify this optimum balance."

Comment IA-5.3.8-3 - Delete "was" from second sentence ("...it is ~~was~~ not possible to carry the analysis further.")

Comment IA-5.3.12-1 - Expand upon discussion on importance of freshwater flows to San Francisco Bay. Also, refer to responses to comments IA-5.3.7.2-7 and IA-5.3.General 8.

Comment IA-5.3.General-8 - Second sentence ("Tidal flow is the primary agent for removal of contaminants from San Francisco Bay rather than Delta outflow.") conflicts with response to Comment IA-5.3.7.2-7 that says "Not least among the benefits of high flows is the ability to flush pollutants from the Bay-Delta system."

## Volume 2, Program Plans and Other Appendices

### Part 1 - General Water Quality Remarks

The response to comments needs to more clearly and consistently address comments related to whether the CALFED program is regulatory in nature, as well as the appropriate emphasis of regulatory versus voluntary efforts. This issue arises in a number of places in the "General Water Quality Remarks" section (including responses to comments WQ-1.0.0-2, WQ-1.0.0-3, WQ-1.0.0-6, WQ-1.3.0-1, WQ-1.3.0-2, WQ-1.4.0-2, WQ-1.4.0-3, WQ-1.4.0-5, WQ-12.3.0-1, WQ-12.3.0-2). We suggest language that incorporates the following elements:

- CALFED is a cooperative, interagency effort involving many state and federal agencies with management or regulatory responsibilities for the Bay-Delta. Each participating agency bears its respective authorities and responsibilities, independent of CALFED efforts. One primary purpose of CALFED is to facilitate the collaborative and cooperative use of these authorities and responsibilities to better address the range of problems facing the Bay-Delta.
- CALFED does not possess independent, regulatory authority over water quality. Rather, CALFED relies upon those participating agencies with regulatory authority to exercise their respective responsibilities with regard to water quality. CALFED will work with all entities in support of achieving its water quality goals.
- CALFED's water quality program calls for implementation of a range of tools by participating agencies and interested parties to accomplish its goals. These tools include voluntary efforts, enforcement of existing regulations, use of economic incentives, broad-based participation, etc. The appropriate mix of tools will vary depending upon the problem, existing activities and where CALFED's program can add value.
- CALFED has identified target levels for water quality parameters of concern. These targets represent desirable in-stream levels of these parameters that will serve as a measurement of success in evaluating the effectiveness of specific actions. The targets are based upon standards or objectives - either numeric or narrative - where those exist (e.g., water quality objective as stated in the Central Valley Regional Water Quality Control Board's Basin Plan). For CALFED's purposes, these targets are not regulatory in nature, but are levels that the program is striving to attain through implementation of its program.

Response to Comment WQ-1.2-1 - Add after the second sentence of the paragraph (ending "for drinking water quality"): "Data collected under the Information Collection Rule should be of substantial help in defining conditions for contaminants of potential concern for future action."

Response to Comment WQ-1.2-2 - Delete the first sentence. (Begin paragraph with "Preventing ....") Other changes: "Seeking continuous improvement in source water quality by eliminating sources of pollution on an ongoing and progressive basis is may be, therefore, entirely...."

Response to Comment WQ-1.4.0-3 - Delete the second and third sentences of the response ("Incentive based or voluntary programs are the preferred methods for non-point source pollution efforts. Failure to attain goals through these measures will likely precipitate a regulatory efforts from regulatory agencies.") Replace with "The State's Nonpoint Source Program uses a three-tiered approach which are as follows (in order of increasing stringency): self-determined implementation of management measures, regulatory-based encouragement of management practices, and effluent limitations and enforcement actions. The NPS Program recognizes that many NPS problems are best addressed through the self-determined cooperation of stakeholders. However, persistent NPS water quality problems not effectively resolved through self-determined actions will be addressed through regulatory programs and authorities."

CALFED will encourage the use of all of these approaches, as appropriate."

Response to Comment WQ 1.5-1 - Modify the second paragraph to read:

Because we do not yet know what ~~approaches could bring about an equivalent level of~~ parameters will ultimately be relevant to and necessary for public health protection, we cannot yet make an unequivocal commitment to achieving long-term numerical objectives for drinking water protection that might force construction of facilities. The same considerations apply to ~~committing to meet the appropriateness of setting or identifying intermediate numerical goals. numeric goals could be set, but these would have to also include an alternative to provide an equivalent level of health protection.~~ ... While facilities would have undoubted advantages for the quality of drinking water supplies taken from the Delta, it is not presently clear how relevant to public health protection such quality benefits would be or that...

Response to Comment WQ-5.0.0-1 - Remove apostrophe (') from "it's" in first sentence. Delete second sentence that reads "This is the role that CALFED strives for each area of involvement."

### Salinity Section

There are a number of comments and responses that discuss an "out-of-valley drain" and whether CALFED should include such a solution in its program plan (including WQ-7.0.8, WQ-7.3.1-1, WQ-7.5.2-5, WQ-7.5.2-10, WQ-7.5.2-11, WQ-8.5.1-1, WQ-8.5.2-2). The current responses state that this issue was considered during scoping, CALFED decided to rely upon and support SJVDIP efforts to address drainage problems in the Valley, and CALFED decided not to recommend an out-of-valley drain proposal as a priority action due to its controversy and suspected negative ecological impacts. This response needs to be both augmented and clarified. First, the response should also mention that there is an ongoing, joint effort involving the State Water Resources Control Board, Bureau of Reclamation and Westlands Water District to conduct an environmental evaluation of long-term drainage solutions including an out-of-valley drain. CALFED has chosen not to include this solution in its program but to defer to the outcome of that analysis/effort. Second, the language discussing CALFED's relationship to the SJVDIP ends with the statement that "A drain or other mechanism for eliminating salts from the Valley could be considered as one alternative." This sentence is ambiguous and should be changed to reflect that this could be one alternative of the SJVDIP (not of CALFED). Finally, the statement that "The out-of-valley drain proposal is ... not recommended as a priority action, at this time" needs to be expanded to also state that "the current drain proposal appears to violate CALFED's solution principle against redirecting significant impacts to other regions."

Response to Comment WQ-7.0-8 - Second paragraph, delete last sentence that reads "Through adaptive management, the CALFED Program could investigate the feasibility of drain alternatives."

Response to Comment WQ-7.1.1-1 - This comment response (as well as comments WQ-7.5.0-3 and WQ-7.5.1-2) discuss land retirement. The third sentence of this response ("Land retirement, in the Selenium Chapter, is not considered extremely viable as it negatively impacts the economy and does not solve the salinity problem on the remaining farm land.") should be deleted it does not accurately capture the issues. Instead, use language similar to that in the program plan that convey that "Land retirement is one tool to help meet the program's objectives. CALFED is committed to retiring the minimum acreage necessary to accomplish the selenium objectives by cooperating in the successful implementation of the other options. Land retirement will be implemented on a voluntary, compensated basis with due regard to impacts on local communities and economies."

### Water Quality Program Plan - Comments organized by Section

Response to Comment WQ-1.2-6 - replace "only" in first sentence with "just"

Response to Comment WQ-3.0-1, vi - This comment is about developing water quality standards to

protect the food web; the response refers to another comment (specifically 1.5-1), but this response addresses a different topic (developing targets and milestones for drinking water quality).

Response to Comment WQ-3.6-2 - Insert language in second sentence of response as follows: "It is therefore appropriate and necessary that such a level of detail should be lacking..."

Response to Comment WQ-3.7-1 - Reorder words in second sentence of response to read "...what future drinking water criteria..."

Response to Comment WQ-3.7.1-2 - Comment states need for continuous improvement to achieve bromide target of 50 micrograms per liter. Response should reference language of CALFED goal of numeric targets or equivalent level of health protection."

Response to Comment WQ-7.1-1 - Change second sentence to read: "Such variability is inherent in a complex estuarine system such as the Bay-Delta."

Response to Comment WQ-7.1-5 - Link response to response for comment WQ-3.6.1-4.

Response to Comment WQ-7.5.2-4 - Change fourth sentence to read: "The establishment of drinking water quality standards, involving..."

Response to Comment WQ-7.5.3-1 - Change response to read: "CALFED supports completion by the CVRWQCB of the Basin Plan Amendment for salinity and boron, and will encourage and, as appropriate if necessary, consider supporting the effort toward timely completion."

Response to Comment WQ-8.2-1 - Delete second sentence and replace with: "The Program Plan identifies the Grasslands Bypass Project (on page 8-12) as the kind of cooperative effort that CALFED should support. We will add more information about this successful effort into the document."

Response to Comment WQ-12.5-3 - change the last sentence to read: "...where cooperative, voluntary efforts are not applicable or sufficiently effective."

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